

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

SJR 23

April 1, 2011

SUMMARY OF AMENDMENT (003872): Proposes amending Article VI, Section 5, of the Tennessee Constitution to require the popular election of the Attorney General and Reporter to be a four-year term, not exceeding two consecutive terms. Resolves that this amendment be referred to the 108th General Assembly and that this resolution be published in compliance with Article XI, Section 3, of the Tennessee Constitution by means of posting the resolution on the official website of the Secretary of State or the General Assembly.

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Expenditures - \$18,000

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

NOT SIGNIFICANT

Assumptions applied to amendment:

- In *American Civil Liberties Union et al. v. Darnell et al.*, 195 S.W.3d 612, 626 n.12 (Tenn. 2006), the Tennessee Supreme Court noted without deciding the issue that: "The General Assembly has the authority to adopt a rule or enact a statute that defines the term 'published' used in Article XI, Section 3 or that specifies the means and manner of publication. When interpreting constitutional provisions, courts carefully consider any interpretation the General Assembly has given the provision." This note assumes that authorization by the General Assembly for electronic publication complies with the constitutional publication requirement.
- Posting this resolution on the official website of the Secretary of State or the General Assembly will not result in a significant increase in state expenditures.
- Because Article XI, Section 3 of the Tennessee Constitution requires publication of the resolution before the next legislative election, this publication will occur in the spring of 2012.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in blue ink, appearing to read "James W. White". The signature is fluid and cursive, with the first name "James" written in a smaller, more compact script than the last name "White".

James W. White, Executive Director

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